

Message Text

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PAGE 01 MANILA 04400 171032 Z

10

ACTION L-03

INFO OCT-01 EA-11 ADP-00 JUSE-00 DODE-00 PM-09 CIAE-00

INR-10 NSAE-00 RSC-01 SCA-01 SS-15 NSC-10 RSR-01

INRE-00 SSO-00 NSCE-00 /062 W
----- 088738

O 170945 Z APR 73

FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 4534

C O N F I D E N T I A L MANILA 4400

E. O. 11652: GDS

TAGS: PFOR, RP

SUBJECT: US/ PHILIPPINE EXTRADITION TREATY

REFS : A) STATE 70006, B) MANILA 4176, C) MANILA 3649

1. EMBASSY SHARES DEPARTMENT' S ASSESSMENT OF POTENTIAL
POLITICAL IMPACT OF EXTRADITION NEGOTIATIONS AS OUTLINED
IN PARA 1, REF A.

2. NEGOTIATION SCENARIO PROPOSED PARA 6, REF A,
ESSENTIALLY ACCEPTABLE TO EMBASSY. IT IS NOT CLEAR,
HOWEVER, WHETHER DEPT UNWILLINGNESS ENTER INTO NEGOTIATION
RE RESTRACTIVE PROVISION AT THIS INITIAL SESSION APPLIES
ALSO TO SECOND SESSION TO BE SCHEDULED. IF SUCH IS
CASE, THIS WILL BE TANTAMOUNT TO PRESENTING GOP WITH
PROPOSITION THAT IT MUST ABANDON ANY OPPORTUNITY TO
RAISE THIS POINT DURING NEGOTIATIONS IF IT AGREES TO
PARTICIPATE IN INITIAL SESSION PROPOSED FOR MAY 2.

3. IN VIEW POTENTIAL POLITICAL IMPACT NOTED IN PARA 1
ABOVE AND DESCRIBED IN PARA 1, REF A, EMBASSY BELIEVES
THAT SUCH AN APPROACH WOULD BE COUNTER- PRODUCTIVE TO US
INTERESTS RELATED TO ANTICIPATED NEGOTIATIONS ON US/ RP
SECURITY AND ECONOMIC RELATIONS AS WELL AS TO OBTAINING
USEFUL EXTRADITION TREATY. IF GOP REFUSED TO ACCEPT THIS
CONDITION AND CHOSE TO VENT DISPLEASURE VIA PUBLIC MEDIA,
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PAGE 02 MANILA 04400 171032 Z

THIS COULD POSSIBLY SOUR ATMOSPHERE FOR FUTURE NEGOTIATIONS AS WELL AS FOR DEVELOPMENTS OF INTEREST TO US IN PRIVATE SECTORS, E. G., FOREIGN INVESTMENT, ETC.

4. EMBASSY, THEREFORE, SUGGESTS THAT APPROACH DESCRIBED IN PARA SIX BE FOLLOWED BY EMBASSY WITH PROVISIO THAT WE BE PERMITTED TO INDICATE, IN RESPONSE TO DIRECT GOP QUERY, THAT SUBJECT OF RETROACTIVITY COULD BE MORE APPROPRIATELY DISCUSSED AT SECOND SESSION WHICH WILL DEAL WITH REMAINING PROBLEMS, IF PHILS STILL DESIRE TO RAISE IT. WE WOULD FIRST, OF COURSE, EXPLAIN AGAIN REASONS FOR US INABILITY TO ACCEPT RETROACTIVITY IN TERMS WHICH WOULD SUGGEST NO CHANGE IN THIS POSITION LIKELY. HOWEVER, IT IS ENTIRELY POSSIBLE THAT PASSAGE OF TIME WHICH WOULD OCCUR BETWEEN TWO MEETINGS WOULD FIND GOP POSITION ON THIS QUESTION LESS DELICATE AND OF LESS IMMEDIATE CONCERN THAN AT PRESENT.

5. ACTION REQUESTED: THAT DEPT APPROVE MODIFIED APPROACH DESCRIBED PARA FOUR ABOVE. EMBASSY WOULD APPRECIATE PROMPT RESPONSE SINCE IT WOULD PLAN TO CONVEY THIS PROPOSAL FOR INITIAL SESSION BEGINNING MAY 2 TO GOP NEGOTIATING TEAM CHAIRMAN, DFA UNDERSEC INGLES, ON APR 19 WHEN HE IS EXPECTED TO RETURN FROM ASEAN MINISTERIAL MEETING IN THAILAND. INGLES PLANS TO LEAVE MANILA AGAIN, APPARENTLY ON APR 23, TO ATTEND A UN COMMITTEE MEETING IN NEW YORK. THEREFORE, IT IS IMPERATIVE THAT EMBASSY BRING THIS TO HIS ATTENTION DURING UPCOMING EASTER HOLIDAY PERIOD, WHICH BEGINS HERE APR 19.
BYROADE

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*** Current Classification *** CONFIDENTIAL

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